THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

PENSION BUILDING
401 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001

202-504-2200
202-504-2195 FAX

MEETING OF THE COMMISSION OF FINE ARTS

21 June 1990

AM 8:30 CONVENE, Pension Building, Suite 312, Washington, D.C.

I. ADMINISTRATION

A. Approval of minutes:

17 May 1990

B. Dates of next meetings:

26 July 1990
20 September 1990

C. Cooling tower addition at IRS Building, 11th and Pennsylvania Avenue, N.W. (CFA 17/May/90-6).

D. Proposed restrictive zoning ordinance "for neighborhoods" next to Rock Creek Park; report.

II. SUBMISSIONS AND REVIEWS

A. Franklin Delano Roosevelt Memorial Commission

CFA 21/Jun/90-1, Franklin Delano Roosevelt Memorial, West Potomac Park. Review of design. (Previous: CFA 20/Sept/79-15, CFA 19/Apr/90-1.)

B. General Services Administration, National Capital Region

CFA 21/Jun/90-2, U.S. Tax Court, 400 Second Street, N.W. New rooftop cooling towers. Revised design. (Previous: CFA 26/Jul/89-4, CFA 15/Nov/89-3.)

C. Executive Office of the President, Council of Economic Advisors

CFA 21/Jun/90-3, Design of seal for Council of Economic Advisors.

D. Department of State, International Center

1. CFA 21/Jun/90-4, Egyptian Embassy. Revised design for new Chancery. (Previous: CFA 17/May/90-2.)

2. CFA 21/Jun/90-5, U.S. Administration Building, Lot 9. Design for guardhouse.

E. Department of the Army, U.S. Army Corps of Engineers

CFA 21/Jun/90-6, Magnetic Resonance Imaging Facility (MRI), Walter Reed Medical Center. Design for addition to existing hospital building.

F. Pennsylvania Avenue Development Corporation

CFA 21/Jun/90-7, Sherman Park, 15th and E Streets, N.W. Design for proposed changes to park.

G. District of Columbia Government, Department of Consumer and Regulatory Affairs

1. Shipstead-Luce Act

a. S.L. 90-77, Station Place, 2nd and F Streets, N.E., adjacent to Union Station. Revised design. (Previous: CFA 15/Mar/90.)

b. Appendix I.

2. Old Georgetown Act

a. O.G. 90-99, 1310 Wisconsin Avenue, N.W. Proposed addition to Georgetown Inn. Concept design.

2. Old Georgetown Act

b. O.G. 89-258, 1248 30th Street, N. W. Addition of one-story glass structure. Permit.

c. O.G. 90-117, 3333 Dent Place, N.W. One-story rear addition and fence. Concept design - appeal.

d. Appendix II.

SHIPSTEAD-LUCE SUBMISSIONS

NO.	ADDRESS AND OWNER	PROJECT
S.L. 90-138	3535 Williamsburg Lane, N.W. John Holman Residence	Addition to 2nd floor and alterations - - permit

ACTION: No objection to issuance of permit for proposed addition to second floor and alterations.

S.L. 90-139 HPA. 90-581 PADC 90-13	1331 Pennsylvania Avenue, N.W. J.W. Marriott Hotel	Entrance canopy - permit

ACTION: No objection to entrance canopy for hotel as shown in supplemental drawings received and dated 19 June 1990 which shows canopy supported by one set of straight cables. Submit detail drawings for any proposed sign and lettering on the canopy when ready.

S.L. 90-140	2801 Chesterfield Place, N.W. Peter Halle/Carolyn Lamm Residence	Additions - permit

ACTION: No objection to issuance of permit for proposed additions which conform to previously approved concept. Materials should match those on existing house. See previous Action (S.L. 90-69).

NO.	ADDRESS AND OWNER	PROJECT
S.L. 90-143	400 Virginia Avenue, S.W. La Salle Partners First American Bank	Sign - permit

ACTION: No objection to issuance of permit for proposed sign illuminated by two spot lights located on planter box. Request fire door be painted to match adjacent masonry.

S.L. 90-146 HPA. 90-629	2924 Macomb Street, N.W. Zdenek and Zdenka A. Sadlik Residence	2 story rear addition and alterations - permit

ACTION: No objection to issuance of permit for proposed two story rear addition and alterations as shown in supplemental drawings received and dated 18 June 1990. Applicant has agreed to use paired windows over the garage doors, which would be more sympathetic to the overall design of the house. Recommend the use of landscape as a screen between the house and the adjacent taller apartment structure.

S.L. 90-148	1920 Quincy Street, N.W. Dixon and Susan Butler Residence	Retaining walls - permit

ACTION: No objection to issuance of permit for proposed retaining walls.

S.L. 90-149 HPA. 90-636	805 15th Street, N.,W. SJG Properties The Southern Building	Alterations to storefronts - permit

ACTION: No objection to issuance of permit for proposed alterations to storefront provided material of entrance doors match the rest of the storefronts of the building. Submit any sign and lettering for permit review when ready.

NO.	ADDRESS AND OWNER	PROJECT
S.L. 90-150	800 Connecticut Avenue, N.W. Hastings Development Office building	New 12 story building - permit

ACTION: No objection to issuance of permit for proposed 12 story office building. Working drawings conform to previously approved concept submission. See previous Action (S.L. 89-109). Request a material sample panel of wall section on site for Commission review and approval.

S.L. 90-151 HPA. 90-640	2525 Belmont Road, N.W. Mr. and Mrs. James Free Residence	Rear addition and terrace - revision to permit no. 489019031

ACTION: No objection to revised design for alterations to front elevation facing public street. Recommend terrace walls facing park be painted a warm medium grey and screened with suitable evergreen planting along base so as to minimize effect on Rock Creek Park. Treatment of openings proposed for this elevation in original submission were better and are preferred over new designs. Request resubmission for review prior to issuance of permit.

S.L. 90-152 HPA. 90-641 PADC 90-14	435 11th Street, N.W. Lehndorff Group Storm's Shoes	Sign - permit

ACTION: No objection to issuance of permit for proposed sign.

CONFIRMATION

1250 Maryland Avenue, S.W. Western Urban Development Corp. The Portals / Fairmont Hotel	Temporary construction signs

ACTION: No objection to the installation of proposed temporary construction signs only for the duration of the first phase of construction.

ADDENDUM

NO.	ADDRESS AND OWNER	PROJECT
S.L. 90-151 HPA. 90-640	2525 Belmont Road, N.W. Mr. and Mrs. James Free Residence	Rear addition and terrace - revision to permit no. 489019031

ACTION: No objection to issuance of permit for proposed revision to alterations to front elevation facing public street, and to rear addition and terrace as shown in supplemental drawings received and dated 20 June 1990. Recommend terrace walls facing park be painted a warm medium grey and screened with suitable evergreen planting along base so as to minimize effect on Rock Creek Park.

OLD GEORGETOWN SUBMISSIONS

NO.	ADDRESS AND OWNER	PROJECT
O.G. 90-116 HPA. 90-506	2715 Que Street, N.W. Nat'l Society of Colonial Dames of America	Areaways on front of building - discussion

NOTE: Georgetown Board and applicant have agreed to postpone decision until the condition of the wall has been identified.

O.G. 90-90 HPA. 90-404	3126 Dumbarton Street, N.W. Mr. and Mrs. Carlos Klejman Residence	Two story rear addition - permit

ACTION: Disapproved. Recommend against issuance of permit for proposed two story rear addition which would have an adverse impact on the character of the house and of the historic district and would diminish the character of the open space at the center of the block. The proposed addition would alter the free-standing character of the house and destroy the mid-block vista between the house and its neighbor which contributes to the historic qualities of the streetscape. Considerable portion of original fabric of structure is proposed to be dismantled which would be a loss of significant fabric to the historic district.

O.G. 90-104 HPA. 90-444	2725 N Street, N.W. Richard and Lorna Green Residence	Two story rear addition - revised design - permit

ACTION: Disapproved. Recommend against issuance of permit for proposed two story rear addition. The addition, as proposed, will have an adverse impact on the rhythm of open spaces in the rear of the row of houses by presenting a continuous rear facade, thus changing the historic character of otherwise unaltered original structure. The proposed height and treatment of the addition is also inappropriate to its context.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 90-133 HPA. 90-596	3015 M Street, N.W. King George Association Commercial	Three story rear addition - revised concept

ACTION: Concept approved. No objection to revised concept design of rear addition between the existing carriage house and the historic structure overlooking M Street. Revised concept conforms with previous recommendations of the Commission to exclude any underground extensions. See previous Action (O.G. 90-77). Submit working drawings for review and approval when ready.

O.G. 90-130 HPA. 90-592	1694 32nd Street, N.W. Ritva Hackel Residence	Enclosure of two story rear porch - permit

ACTION: No objection to issuance of permit for proposed enclosure of rear porch extending the face of the rear wall flush with the adjacent houses.

O.G. 90-135 HPA. 90-598	1507 33rd Street, N.W. Diana C. Kendrick Residence	Alterations to basement - permit

ACTION: No objection to issuance of permit for proposed alterations to rear of basement.

O.G. 90-132 HPA. 90-595	1313 28th Street, N.W. Nicholas Platt Residence	Replace windows, new grilles - permit

ACTION: No objection to issuance of permit for proposed replacement windows and new metal grilles.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 90-119 HPA. 90-521	3269 M Street, N.W. Players of Georgetown	Security grille (existing) and awning - conceptual

ACTION: Concept approved. No objection to concept of single awning over existing security grille boxes, to be installed lower than the beltcourse under second floor window sills, and to extend slightly over the window openings.

O.G. 90-129 HPA. 90-578	3237 M Street, N.W. Soleiman Brothers Outer Limits	Security grille (existing) and awning - permit

ACTION: No objection to issuance of permit for proposed awning and existing security grille. Awning is to cover the security grille boxes with its valance reaching over the transom bar of the shop windows.

O.G. 90-122 HPA. 90-534	1264 Wisconsin Avenue, N.W. Patricia Simpson Martin's Tavern	Awning replacement - permit

ACTION: No objection to issuance of permit for proposed replacement awning with extension over existing projecting bay.

O.G. 90-136 HPA. 90-604	1258 Wisconsin Avenue, N.W. Marvin Fabricant Nash's Sports & Casuals	Awning - permit

ACTION: No objection to issuance of permit for proposed awning to match awnings on adjacent buildings in location and size.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 90-124 HPA. 90-556	1651 Wisconsin Avenue, N.W. Germar Properties Washington Video	Sign - permit
O.G. 90-125 HPA. 90-557	1653 Wisconsin Avenue, N.W. Samuel Levy Washington Video	Sign - permit

ACTION: No objection to issuance of permit for a temporary installation of existing sign until 31 October 1990. Existing 3' X 6' sign is to be installed under the cornice of the bay window and removed before prescribed date. Applicant agreed to apply for permit for a replacement 16" X 30" sign and additional signs which should go through review process in September 1990.

O.G. 90-126 HPA. 90-567	1601 Wisconsin Avenue, N.W. Chevron USA Gas station	Install "spanner bars" - permit

ACTION: No objection to issuance of permit for proposed non-illuminated "spanner bars" over gas pumps to match other Chevron gas stations.

O.G. 90-121 HPA. 90-533	3271 P Street, N.W. John Denley Walker Residence	Wood gates - permit

ACTION: No objection to issuance of permit for proposed wood gates which are to be painted white.

O.G. 90-128 HPA. 90-574	2817 Q Street, N.W. John Palmer Residence	Brick wall and gate - permit

ACTION: No objection to issuance of permit for proposed brick wall and iron gate.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 90-134 HPA. 90-597	3400 Prospect Street, N.W. Prospect Associates Halycon House	Repoint brick; new brick on hyphens, rebuild chimney - permit

ACTION: Disapproved. Recommend <u>against</u> issuance of permit for proposed repointing and replacement of brick. Proposed work would be inappropriate to existing historic fabric.

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Meeting of the Commission of Fine Arts

21 June 1990

The meeting was convened at 8:40 a.m. in the Commission of Fine Arts offices at the Pension Building, 441 F Street, N.W., Washington, D. C.

Members present:	Hon. J. Carter Brown, Chairman Hon. Neil J. Porterfield, Vice-Chairman Hon. Adele Chatfield-Taylor Hon. George E. Hartman Hon. Robert A. Peck
Staff present:	Mr. Charles H. Atherton, Secretary Mr. Donald B. Myer, Assistant Secretary Mr. Jeffrey R. Carson Mr. Jose Martinez-Canino
National Capital Planning Commission staff present:	Mr. Patrick Tribe

In deference to the tight schedule of Senator Mark Hatfield, who wished to comment on the proposed Roosevelt Memorial, the Chairman postponed consideration of the Administrative section of the agenda until after review of the first item under Submissions and Reviews.

II. SUBMISSIONS AND REVIEWS

A. Franklin Delano Roosevelt Memorial Commission

CFA 21/JUN/90-1, Franklin Delano Roosevelt Memorial, West Potomac Park. Review of design. (Previous: CFA 20/SEP/79-15, CFA 19/APR/90-1.) The Assistant Secretary introduced Senator Hatfield who provided a brief history of the Memorial Commission and the ensuing designs over the years. He said the current design had been budgeted for $5.8 million in FY 1990 and that the project ultimately might cost $47 million. He thought it significant that for the first time the Roosevelt family had been consulted from the beginning on the design, and he noted that the Memorial Commission

THE FRANKLIN DELANO ROOSEVELT MEMORIAL
TIDAL BASIN
POTOMAC RIVER

CFA 21 June 90-1
Franklin D. Roosevelt Memorial
Tidal Basin
Comparative studies

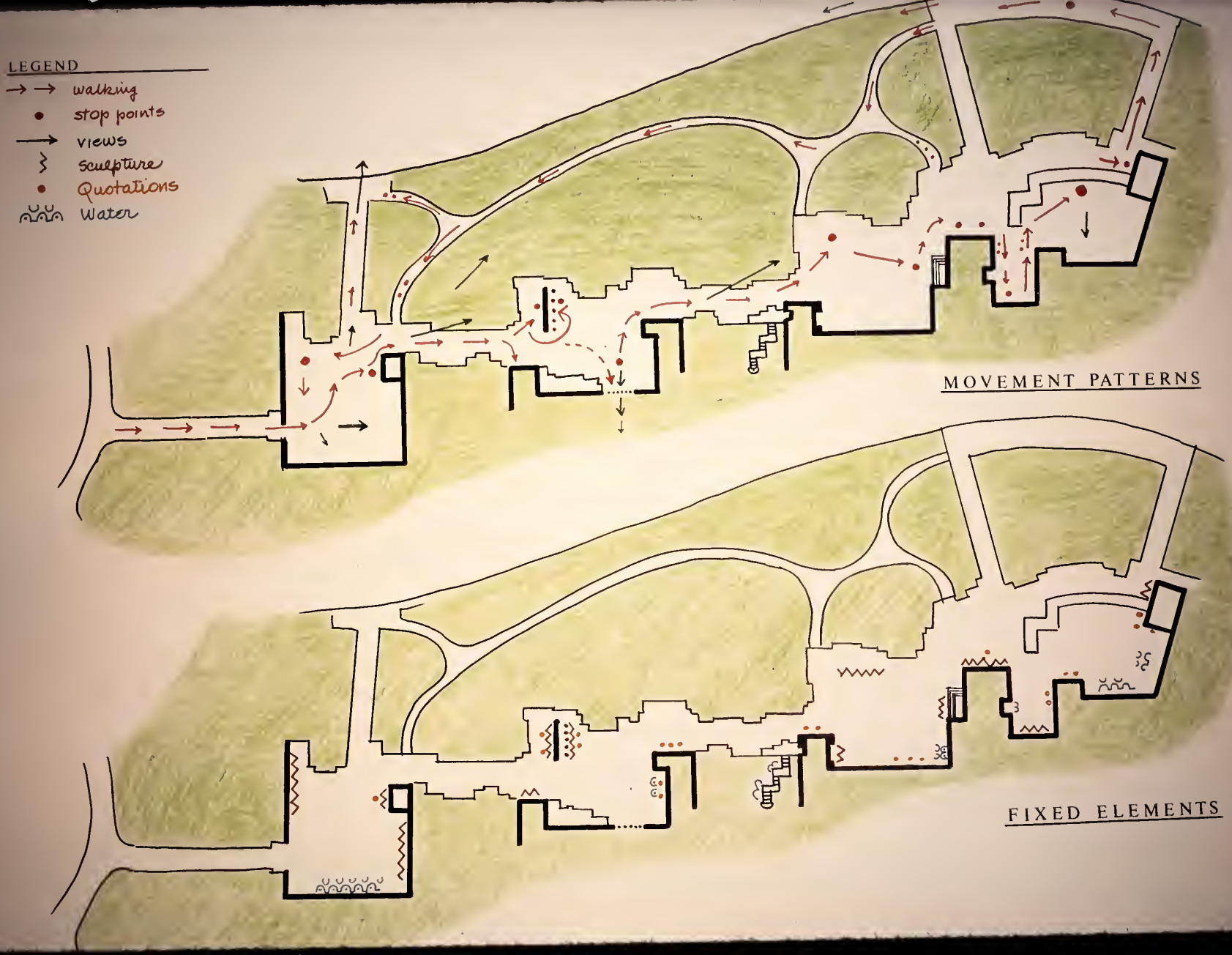
had provided the basic design criteria from which the landscape architect, Lawrence Halprin, worked, involving from the outset an open, landscape approach.

Mr. Halprin then introduced himself and began his presentation. He said that, in general, the site had two inherent problems: the incompatibility of playing fields with a memorial, and the noise generated by National Airport, which had prompted the introduction of "white noise" in the form of fountains and waterfalls. The positive elements of the location included the proximity of the river and Tidal Basin, and the panoramic views of the memorials and monumental core.

In modifying the design as seen in April, Mr. Halprin addressed seven areas of change: (1) The memorial had been moved 30 feet closer to the edge of the Tidal Basin in order to take advantage of the existing canopy of trees. This was made possible by using pilings rather than the compacted earth originally planned as a foundation for the memorial; the compacted earth would have had to have been kept farther away from the roots of the trees. (2) The monumental entrance was greatly reduced in size and turned 90 degrees, providing access from the north rather than from Ohio Drive. This allowed the meadow-like character of the area to be retained. (3) The tourmobile drop-off area was moved to coincide with the new entrance location. (4) The granite paving was reduced from approximately 135,000 square feet to approximately 76,000 square feet; in some places it was replaced by gravel, or interrupted to provide space for trees, or replaced altogether with grass, as in portions of the fourth "room". (5) The berm was broken by a grilled opening in one of the garden rooms to provide a vista between the memorial and the Potomac River. (6) The berm itself was softened by more natural grading and additional planting material. (7) The visitors' service structure was reduced in size by 50% and placed near the entrance, where it would be unobtrusive.

Mr. Halprin used a series of color sketches to describe certain of these changes and the probable impact of the memorial on the park area. He also referred to sketch plans to explain the theme of each room: The First Hundred Days, The Depression Years, The War Years, and Peace and International Morality, and read from the proposed Roosevelt quotations.

The Chairman said he was pleased with the response, and he thought that to tamper with the design further could adversely affect its most important element, which was the physical sequence of time. He described the design as a historical drama depicted in a garden setting, one that should not be viewed as a two or three-dimensional plan but a four-dimensional experience in time, the success of which would depend in part on the abundance and maturity of its landscaping. He felt that the sequence of spatial experiences would provide an opportunity to create something not


LEGEND
walking
stop points
views
sculpture
Quotations
Water
MOVEMENT PATTERNS
FIXED ELEMENTS

CFA 21 June 90-1
Franklin D. Roosevelt Memorial
Tidal Basin

possible in most other cities, which lacked the open space so plentiful in Washington. He concluded that the proposed design would act as a counterpoint to the fundamentally monotonous aspect of the flat, filled-land area and its playing fields.

Vice-Chairman Porterfield was also pleased with the changes, especially the almost 50% reduction in paving material, although he regretted the loss of part of the roadway and the ability to drive along the Tidal Basin. Mr. Hartman said he thought significant improvement had been made, and he hoped Mr. Halprin would continue to re-examine the design as he developed it. Mr. Peck agreed with Mr. Porterfield that adequate roadways should be provided in the area, because many visitors to the city experienced the memorials only through being driven by them by friends. He said he appreciated Mr. Halprin's effort to open the memorial to the Potomac, and hoped that other places would be discovered where this could be accomplished. Ms. Chatfield-Taylor, concerned about the effect of such a hard-edged design on the natural landscape, asked that every effort be made to give the memorial the appearance of "inevitability", diluting the possibly intrusive nature of the design by "feathering" the hard edges with greenery. Because the success of the memorial would ultimately rest on the quality of the detail and sculpture and maintenance of the plantings on a long-term basis, she asked that the Commission be given assurance that the construction budget would meet the requirements of the memorial and that an appropriate maintenance fund be established.

A motion was made to approve the design, subject to a commitment to the points that had been raised about a continuing search for greater softness and a guarantee by the Park Service that maintenance levels would follow the designer's vision, and that the design would be brought back to the Commission from time to time to see how it was coming along. The motion was seconded and carried, with Ms. Chatfield-Taylor abstaining. Exhibit A

The Chairman then returned to the Administrative section of the agenda.

I. ADMINISTRATION

A. Approval of minutes, meeting of 17 May 1990. The minutes were approved without objection.

B. Dates of next meetings. Approved as:

26 July 1990
20 September 1990

C. Cooling tower addition at IRS Building, 11th and Pennsylvania Avenue, N.W. (CFA 17/MAY/90-6). The Secretary recalled that this project had been reviewed at the May meeting and approved by those present, but as there was not a quorum, he was bringing it up for confirmation at this time. He reviewed the project, explained its minimal visibility, and a vote was taken, confirming the approval. Mr. Peck asked that the minutes reflect that he had not voted on the project. Exhibit B

D. Proposed restrictive zoning ordinance "for neighborhoods" next to Rock Creek Park; report. The Secretary recalled that a draft of a letter had been circulated to the members supporting a citizens' initiative to develop an overlay zoning in the neighborhoods abutting Rock Creek Park. He said it was consistent with the Commission's concern about irreparable damage to the topography, removal of trees, etc., and had been approved; he said he was bringing it up at this time so it would be recorded in the minutes that the action had been taken. Exhibit C

Mr. Peck commented that there was considerable confusion in the community about what was and what wasn't subject to Shipstead-Luce review; for himself, he thought that in the case of Rock Creek Park particularly, the boundaries did not work; the worst visual intrusions were often some distance away. He said he did not know what could be done about it, but wanted to state his concern for the record.

The Chairman said that from time to time congressional committees had asked the Commission if the Shipstead area should not be expanded, the most recent case involving the construction of the Techworld project in an area just beyond the boundary. He said he thought it might be a good time to renew the discussion.

The Secretary said the staff had recently prepared a very specific proposal to rectify some of the omissions in the area covered. Vice-Chairman Porterfield asked if this was a "view shed" kind of approach; the Chairman said it was not. The Secretary said that would require an act of Congress, but the kind of adjustments he was thinking about had been accomplished before without congressional action, and required only the consent of the District government and the National Capital Planning Commission. On the

other hand, he did not see any problem with going the congressional route, and thought it might then have more teeth than simply making amendments to the city plan.

Mr. Peck suggested that the staff explore, with the Congress and/or the District government, how additional important "edges" in the city might be protected, whether through the Commission of Fine Arts or some other agency. The Chairman and the other members agreed this was a good suggestion.

II. SUBMISSIONS AND REVIEWS (continued)

B. General Services Administration, National Capital Region

CFA 21/JUN/90-2, U. S. Tax Court, 400 Second Street, N.W. New rooftop cooling towers. Revised design. (Previous: CFA 26/JUL/89-4, CFA 15/NOV/89-3.) Staff member Jose Martinez recalled that the Commission had given its reluctant approval, in November 1989, to a scheme locating the cooling towers in a separate structure on 2nd Street, next to the freeway; at the same time it was requested that GSA continue to look for an alternative that would place the towers within the framework of the building. He said GSA had now come up with way to do that, and introduced Diane Stolz to describe the solution.

Ms. Stolz reviewed the problem the court had had with sharing the Department of Labor's cooling system, and the various locations proposed for the new cooling towers, including placing them on the roof, which had not been acceptable to NCPC, and on 2nd Street, which had pleased them even less and had not been accepted with enthusiasm by the Commission of Fine Arts. Now, she said, they had gone back to the rooftop location, the least expensive and simplest to maintain.

She showed drawings and discussed visibility, which she said would be minimal from the immediate area but would increase somewhat from a greater distance. Mr. Hartman said he had no objection to the rooftop location, but thought the structure would look better if it were more in proportion to the building, that is, if it were lengthened a bit, keeping the feeling of horizontality. Ms. Stolz said she agreed, but they did have a budget problem because they had spent so much money developing other schemes. Mr. Hartman said it would need to be lengthened only two bays on each end, and the Chairman said he thought that should be feasible, especially for a building that was a fine example of the architecture of its period; he thought NCPC would agree. (The building was designed in 1966 by Victor Lundy.) The project was then unanimously approved, subject to lenghtening the structure as suggested by Mr. Hartman. Exhibit D

CFA 21 June 90-4
New Chancery of Egypt
International Center

C. Executive Office of the President, Council of Economic Advisors

CFA 21/JUN/90-3, Design of seal for Council of Economic Advisors. The Secretary said the design was based on the Great Seal, as were those of other divisions of the Executive Office of the President, with the name of the council added. There were no objections, and the design was unanimously approved. Exhibit E

D. Department of State,International Center

1. CFA 21/JUN/90-4, Egyptian Embassy. Revised design for new chancery. (Previous: CFA 17/MAY/90-2.) Mr. Martinez reviewed the Commission's previous concerns about the blandness of the elevations, and introduced the architect, Allan Ryder, to show new drawings and a model and discuss the changes that had been made. He said he had made two basic changes: the cornice had been emphasized, making it more three dimensional and also more Egyptian in character; and the facade had been modulated, the windows set at a greater depth and in a stronger rhythmic pattern. He noted that because of the expense, he might have to make the cornice in precast concrete rather than granite. There was no objection to this, providing that the precast was of high quality. Ms. Chatfield-Taylor and Mr. Hartman questioned Mr. Ryder on the design of the cornice, with Mr.Hartman commenting that it looked better in the model than in the drawing; he was asked to keep this in mind when preparing the final drawings. The Chairman and Mr. Hartman thought the design was much improved; Mr. Peck said he was not enthusiastic about it, but was disinclined to press for further changes. The design was then unanimously approved. Exhibit F

(Item II.D.2. was removed from the agenda for lack of material, discussion of item II.E. was postponed, and item II.F was discussed next.) Exhibit J, re item II.D.2

F. Pennsylvania Avenue Development Corporation

CFA 21/JUN/90-7, Sherman Park, 15th and E Streets, N.W. Design for proposed changes to park. Jay Brodie, from PADC, was asked to make the presentation. He pointed out the location of the park, south of the Treasury, with its central figure of Sherman, surrounded by Italian tilework around the base, with four other figures at the corners. He noted the simple composition of the surrounding park, basically a grove of trees that provided a pattern of filtered light beneath them. He said PADC had been working with the Park Service on the renovation of both the statue and the park area; the park renovations would consist primarily of upgrading existing paths, curbs, and plantings; the trees and grass would not be disturbed. There would be new walls at the corner entrances to the statue plaza and benches around the central

portion, with additional plant material behind the benches and walls. In answer to a question, he said the walls would be sitting height, about 18 inches. They would replace an existing hedge.

Mr. Brodie then turned to the paving of the sidewalk around the park. He said it had been a matter of some discussion and had been changed from the drawings he showed in that many of the scoring marks had been removed; the material would be a light grey exposed aggregate concrete. Mr. Hartman asked why the pavement on the 15th Street side varied from that on the other three sides. Mr. Brodie asked Michael Summerlin, from the Park Service's White House Liason Office, to talk about this. Mr. Summerlin reviewed the President's Park development and the decision to continue its special paving pattern on the 15th Street side of Sherman Park. The Chairman said he would be very reluctant to approve a scheme that treated three sides of the park in one way and the fourth in another; he said it was essentially an island and not that closely related to the President's Park precinct. Mr. Hartman agreed, adding that the President's Park paving was very urban in character, and that was not what was wanted around Sherman Park. Ms. Chatfield-Taylor said she considered the park one of the most beautiful spots in Washington, because of the great expanse of green, the way the sun filtered through the trees, and the gentle swelling of the topography; she was concerned about adding a hard edge to it, refering to both the 15th Street sidewalk and the walls in the central area.

There was a discussion of the height and design of the walls, and whether they were really necessary. Mr. Brodie said they were intended to contain the central space, would be low, and would have plant material behind them that would be slightly higher. Mr. Hartman had some recommendations for the design that would help relate them to existing elements in the park area. The members all thought a mock-up of a wall section would be helpful. Rick Sitek from PADC discussed the lighting; he said there were now four Washington globe street lights that were not working; more of the same type would be added, although the level of lighting would remain low.

The concept design for the park was approved, with the recommmendations made, and the expectation that design development of the various elements and a mock-up of a wall section would be seen. The sidewalk proposal was not approved. Exhibit G

(The meeting was recessed at 10:50 a.m. and reconvened at 11:05 a.m.)

E. Department of the Army, U. S. Army Corps of Engineers

CFA 21/JUN/90-6, Magnetic Resonance Imaging Facility (MRI), Walter Reed Medical Center. Design for addition to existing hospital building. The Assistant Secretary said this would be a partially underground facility adjoining an existing Georgian-style building, and would require the demolition of a small, one-story red brick protrusion on the building; he showed photographs of the site and a master plan drawing for the medical center, pointing out structures proposed for retention or demolition over a period of years, as well as proposed new construction. He then introduced Mr. Wynn Battle, representing the Army.

Mr. Battle said, in answer to Mr. Hartman's question, that the facility would be permanent and would be large enough to accommodate a second MRI unit. The exterior walls, only a small part of which would be visible, would match the existing hospital building; the structure would be bermed, and the berm would be landscaped. Mr. Peck observed that, on the master plan, the adjoining Georgian building was slated for demolition. Mr. Battle said that was true, and the architect had planned for it. Mr. Peck lamented the fact that in many historical complexes, such as Walter Reed, the attractive old buildings were being replaced by less pleasing new structures that were beginning to take over the whole complex, changing its character.

Upon noticing that the Georgian building was slated for demolition, Mr. Hartman said he thought it would be a total mistake to erect the MRI building as proposed; he also thought it violated the master plan. Mr. Battle said it would ultimately connect to another building shown on the plan. The Chairman said it was obvious that there were not enough votes to approve the proposal and suggested that the Commission visit the site before the next meeting, with the architect and representatives from Walter Reed. Mr. Battle thought that would be helpful. Exhibit H

G. District of Columbia Government, Department of Consumer and Regulatory Affairs

1. Shipstead-Luce Act

a. S.L. 90-77, Station Place, 2nd and F Streets, N.E., adjacent to Union Station. Revised design. (Previous: CFA 15/MAR/90.) (Messrs. Hartman and Peck recused themselves from consideration of this project and left the room.) The Assistant Secretary pointed out a small context model and a larger one, which reflected revisions in the design in response to the Commission's previous recommendations. He introduced Mr. Colden Florance, from Keyes Condon Florance, to make the presentation.

Mr. Florance described the project as forming the eastern edge to the monumental transportation precinct of the city and the northern edge of the Capitol monumental core. He said there would be five buildings erected over a period of time, and the Commission had asked that these buildings be kept distinctive and separate in their design, and that their rooftops be varied, to avoid a monolithic appearance. He said they had also been asked to modulate the facades and bring the scale down on Second Street where the project would face a residential neighborhood. He said they had tried to reflect the existing street grid, and on the G Street access the notch had been strengthened and lowered two floors. The biggest change was that two floors had been removed from buildings No. 2 and No. 4. The setbacks had also been studied more carefully at the 6th, 7th and 8th floors.

The members then went over to look at the large model, and Mr. Florance explained the changes. Questions were asked about the height in respect to the new Judiciary Building. Mr. Florance said the roof would be 4 feet lower than that building, although the cornice would be higher.

The Chairman observed that the two crucial aspects, in terms of context, were the relationship to the low-scale Capitol Hill Historic District and to historic Union Station; he said it was important that no damage be done to either one. Beginning with the station, he asked if there were any sight lines which would allow it to be seen in context with the new project. Mr. Florance showed a view from Columbus Plaza which showed buildings No. 1 and No. 2 in relationship to the station and discussed other points where views might be obtained. Vice-Chairman Porterfield asked if building No. 3 had been lowered. Mr. Florance said it had not because they thought it important to keep an accent at that point; the Chairman and Vice-Chairman disagreed, saying that it was already a massive building. They thought the architect was on shaky ground taking the datum from the H Street overpass. Ms. Chatfield-Taylor asked when the datum question would be resolved; Mr.Florance said that unless it was challenged, it was already resolved because it was District of Columbia law. Mr. Florance said it was important to remember that in all likelihood there would be a massive air rights development behind Union Station and in that case his project would be seen in quite a different context. In answer to the Chairman's question, he said zoning allowed him to go up 90 feet above the H Street overpass but he had kept his building to 65 feet or 90 feet above the 2nd Street level. He did not think it uncommon in Washington for two different grades and scales to meet. Ms. Chatfield-Taylor said it was just that juxtaposition that bothered her. Vice-Chairman Porterfield congratulated Mr. Florance on the great improvement he saw in the project, but he said he did not think building No. 3 needed to be as high as it was. Ms. Chatfield-Taylor agreed. As there was no quorum, no action could be taken, but the Chairman told Mr.

Florance that in spite of the enthusiasm for the changes that had been made, the members present still thought building No. 3 was too high.

(Messrs. Hartman and Peck returned to the meeting room.)

b. Appendix I. The Assistant Secretary said he would like to take one case off the Appendix--S.L. 90-151, 2525 Belmont Road--because the applicant was present and wanted to discuss it. The Chairman suggested he be heard before the rest of the Appendix was discussed. Mr. Martinez outlined briefly the staff's objection to the two-story glass plus hip roof elevation design and the suggestion that it be screened with landscaping; he then introduced the architect, Bernado Rostad. Mr. Rostad said that because of a severe drop-off--about 120 feet down to a parkway--the elevation could never be seen from the park. He did not have adequate drawings or photographs to convince those members who were not familiar with the site, but the Chairman, who knew the site well, said it was so steep there was no public use of the park in that area and he doubted very much if the elevation would be visible from the parkway. On this basis, the elevation design was approved with the note that it would be seen by the D. C. Historic Preservation Review Board because it was in a historic district.

Mr. Peck had a question on another Appendix item, the entrance modifications to the J. W. Marriott Hotel, 1331 Pennsylvania Avenue, N.W. (S.L 90-139). He asked what had happened to the Commission's request, when the entrance modifications were reviewed, that the hotel remove the flagpoles and the plastic planters. The Secretary said those items were not part of this application. Mr. Peck said he thought the application should be held in abeyance until the Commission got an answer to the other requests; Ms. Chatfield-Taylor agreed. Mr. Atherton said the only problem was that the application had to be returned in 30 days, but an extension could be granted; it was agreed that he should ask for the extension and find out what had happened to the other requests.

The others items on the Appendix were unanimously approved.

2. Old Georgetown Act

a. O.G. 90-99, 1310 Wisconsin Avenue, N.W. Proposed addition to Georgetown Inn. Concept design. The Assistant Secretary passed out the report of the Georgetown Board on this project. It noted that the design had been reviewed several times, significant improvements had been made, and the recommendation was made that the design go forward into the development stage. Attached was a favorable report from the ANC, as well as a letter in opposition from the Citizens Association of Georgetown. He then introduced the architect, Sara O'Neil-Manion.

Ms. O'Neil-Manion said the hotel wanted to upgrade its rating and needed a larger mass of rooms, larger suites, and meeting rooms. Along with the addition there would be a major renovation of the existing hotel rooms. She said the new construction would take place over an existing underground garage and so would be constrained by its bay size and existing caissons and columns. She said she had listened to the neighbors' concerns and tried to meet them by reductions in height and scale and the use of screening, focusing attention particularly on N Street, the principal residential street to be affected by the addition. She showed photographs of the site, now used as an open decked parking structure, noting that it was not at all attractive; she said she thought the new construction would be a more pleasant buffer between the commercialism of Wisconsin Avenue and the small scale neighborhood behind it.

Mrs. Alicia Boyd, representing the Foundation for the Preservation of Historic Georgetown, asked to comment. She noted that the addition was a large one to an already very large building; she thought it would be a massive intrusion into the square, and in relation to the small scale buildings around it. She thought something smaller, that would not take all the open space, could be worked out.

A neighbor, John Gentzler, said he was concerned that his house and garden, and others near him, would be very much affected by the addition since it would be only 20 feet away. Ms. O'Neil-Manion said there would be a lattice wood fence, 20 feet high, that would screen the construction.

The Chairman said he lived only a few blocks from the hotel, and while he valued the small scale residential construction in the area, he recognized that at some point there had to be a transition from the commercial buildings of Wisconsin Avenue to the residential area behind it; in this case, he thought the addition, tucked in the middle of the block, would help make the transition from the tall hotel building to the small houses behind. The Assistant Secretary said questions had been raised about the visibility from Dumbarton to Wisconsin Avenue; Ms. O'Neil-Manion said sight line studies had shown that there would be very little that could be seen. Mr. Hartman thought the addition would help relieve the unsightly existing condition; he did think the northeast corner of the new building was awkward and could be improved, but agreed that for structural reasons it might be difficult. Mr. Peck said he had no real objection, but hoped, since it was being considered a buffer, it could be less institutional-looking where it faced the small houses. Vice-Chairman Porterfield thought it was a sensible design, but Ms. Chatfield-Taylor was less enthusiastic; she was uncertain that adding more mass to an already overly-large building would improve the situation.

A long-time resident of the area, Elizabeth LaBranche, said Georgetown residents had objected to the original building as being too large when it was built; she thought that adding to it would just compound the existing problems.

The Chairman asked that a vote be taken; Mr. Hartman moved that the concept be approved in conjunction with the comments and suggestions made, most of which had to do with the viewscape and views from adjacent property. Mr. Porterfield seconded the motion and it was carried, with Ms. Chatfield-Taylor abstaining. Exhibit I

b. O.G. 89-258, 1248 30th Street, N.W. Addition of one-story glass structure. Permit. (Mr. Peck recused himself from consideration of this project and left the room.) Mr. Martinez began the presentation by saying that the Georgetown Board had reviewed this kitchen addition two times and had issued their report to the Commission, which he read into the record. (Exhibit I-1) The report said the Board had no objection to the addition, but, noting there was an easement on the property, recommended that the District Government examine the easement to determine the legality of the addition. Mr. Martinez said a number of letters had been received from adjacent neighbors and others in the community stating they had no objections to the addition. He then introduced Andi Adams, architectural historian from the firm of Wilkes, Artis, Hedrick & Lane, attorneys for the owners of the property, Mr. and Mrs. Arnold Sagalyn.

Mrs. Adams located the house, on the corner of 30th and N Streets, and showed photographs. She said the rear of the house, where the kitchen expansion would be, had had a series of previous additions during the 1960s and 1970s. She said the new work would only involve a wall built in 1961, and she showed photographs of a wall with jalousie windows, pointing out where the addition would be. She said that in order to see it, it would be necessary to be tall enough to see over a 6 1/2- foot brick wall on N Street; she showed views from this wall and other walls to the west and south of the property. In answer to the Chairman's question, she said the date of the original house was c. 1799, but there had been many alterations, the most recent in the 1960s and 1970s. She pointed out the additions and a garage and open courtyard, and said the historic fabric of the rear of the house had been obliterated. It had originally been a coach house for the larger house at 3014 N Street.

Mrs. Adams described the proposed kitchen addition as mostly glass, about 8 by 5 feet; she said it was intended to bring light into the space and eliminate some awkward interior conditions. She said the owners were very supportive of the concept of historic districts and easements on property, but thought what they were proposing was not intrusive or damaging. She said they realized that whatever they did would have to be worked out with the Foundation for the Preservation of Historic Georgetown, the holder

of the easement; she said it was a private party agreement. She noted the District government's position that it was not their role to enforce a private agreement, making reference to a letter from the city corporation counsel, Herbert Reid. (Exhibit I-2) Mrs. Adams also made reference to letters from neighbors supporting the Sagalyns' project.

The Chairman said he saw two issues: one was the normal one of design review, and the other involved the question of easements and their enforcement, an area in which the Commission had neither expertise nor authority. He said he was disappointed that the District of Columbia also found that it had no authority to enforce easements. He said he commended the Georgetown Board for their position favoring the granting and enforcement of easements in historic districts, but he thought that position might also include encouraging the holders of easements to be somewhat broad-minded about the merits or demerits of specific alterations as they came along, and to take a good look at what historic values were or were not impacted. The Chairman then asked to hear from the parties involved, calling first on the president of the Foundation for the Preservation of Historic Georgetown, Chiswell D. Langhorne.

Mr. Langhorne read into the record a letter from the Foundation to the Commission of Fine Arts in which the Commission was asked to recommend against the addition as "incompatible with the character of the historic district and not in the public interest." (Exhibit I-3) He said the extension was expressly prohibited by the recorded Deed of Conservation Easement and the applicants had been informed of this after discussions and an on-site inspection in their presence. He said the former owners of the house, who had given the easement, had received a tax reduction of 17% of the market value of the house; if the easement were now allowed to be negated, the U. S. Treasury would be violated, since taxpayers' dollars were involved. He said he agreed that the Sagalyn's addition was a small one, but said the question to consider was where the line should be drawn.

Donald Harris, a trustee of the Foundation, was the next speaker. He read into the record a letter from Jackson Walter, president of the National Trust for Historic Preservation, in which Mr. Walter stated that it was "in the public interest to monitor and enforce historic preservation easement agreements", and he thought that public agencies should take into account easement restrictions and prohibitions in their deliberations. (Exhibit) He urged the Commission of Fine Arts to disapprove the Sagalyns' application on the grounds that it violated the easement agreement and because it was "incompatible with the character of the Georgetown Historic District and not necessary in the public interest, as required in D. C. Law 2-144."

Mr. Harris then explained the Foundation's easements, saying there were two different kinds of restrictions: flat prohibitions and areas in which the Foundation was given discretion. He said there was a flat prohibition against subdivisions and additions, and this would include the Sagalyn application. He said the case had been discussed, and it was decided that the easement covered the whole building, not just the parts that were historic; it was also clear that no additions could be allowed. In answer to a question from Ms. Chatfield-Taylor, he said the purpose of the prohibition against additions was to maintain open space.

Mrs. Adams commented that there was a great deal of open space on the lot, and the proposed location of the addition would not affect it. She said she hoped that for the success of the easement program a better way would be found for it to be administered. She thought the issue before the Commission was whether there were design questions and whether the addition would impinge upon a significant part of the house or open space; she contended that it would not.

The next speaker was attorney Whayne Quinn. He discussed the subdivision question, explaining that there was no subdivision on the property, only the creation of a record lot, required by the District when applying for a permit application. Mr. Quinn then commented on the Commission's role in easement cases: he thought that if the design in question adversely impacted the historic district, the permit should not be issued; if it did not, the permit should be issued subject to whatever negotiations were necesssary in regard to the private agreement.

Mrs. Boyd said the Foundation's definition of "subdivision" was the same as the District government's: a division or assembly into one or more lots of record. To assemble land for the purpose of building an addition violated the easement; she said the Sagalyns had been informed of this many times. Mrs. Sagalyn said she and her husband had tried to discuss the matter with the Foundation, but the trustees refused to speak with them. She said they had gone ahead with the permit application just to make sure that there were no objections from the District government or the Commission of Fine Arts. She added that none of the neighbors objected. Mrs. Boyd said if the Sagalyns would bring in a design that did not change the footprint of the building the Foundation would be happy to look at it. There was further discussion with Mr. Hartman questioning Mr. Langhorne about the legality of an increase in volume within the footprint, and the possibility of removing part of the footprint and replacing it with equal or less square footage. Mr. Langhorne said the board would have to consider these questions.

Mr. Langhorne then criticized the involvement with this case of Mr. Peck, a member of the Commission, and Mr. Andrews, a Georgetown Board member, as attorney and architect, respectively. The Chairman reminded him that they had recused themselves, but Mr. Langhorne still considered it a conflict of interest, and said they were being paid to overturn easements. He then read into the record a letter from the Foundation to the Commission of Fine Arts requesting that the Commission get a written opinion from the Justice Department as to (1) the rights and responsibilities of the Commission of Fine Arts in upholding Recorded Deeds of Conservation Easements given in the public interest in perpetuity to the Foundation and (2) the propriety of members of the Commission and members of the Old Georgetown Board acting as advocates for clients' projects before these bodies on which they sit and make recommendations. The letter also requested that the Commission defer action on the case until such written opinion was available. (Exhibit I-5)

The Chairman asked the Secretary if he had requested the written opinion referred to in the letter. Mr. Atherton said he had not, but he had discussed the Sagalyn case with the Deputy Assistant Attorney General, John McGinnis, in the Office of Legal Counsel, and he was told that the Commission did not have the right to enforce easements; he said Mr. McGinnis had reviewed the Georgetown Board's report and thought it was a solid position to take.

Vice-Chairman Porterfield said he would like to move that the Commission approve the addition, that it did not violate the open space and was a definite design improvement. Ms. Chatfield-Taylor said she had no objection to the design, it would be virtually invisible, and she thought the owners should have the right to go ahead with it. She commented further, however, that the letter from the District of Columbia government had alarmed her by the way in which it undermined the easement program.

The Chairman said he thought there ought to be some mechanism through which problems like this could be worked out. He thought the trustees should be able to reserve unto themselves some degree of discretion and the ability to make judgements in cases that involved such minor changes as this one. He said he was afraid that inflexibility and extremism would be damaging to the easement program and to the case for historic preservation as a whole. As to the Commission's role in the easement question, he was not sure it could get involved, beyond expressing the hope that people would continue to give easements and that the easements would be defended by the strength of the law. He observed, however, that the Commission did have a primary responsibility under the Old Georgetown Act, and that was to safeguard the historic district of Georgetown. He said that in this case, while reluctant to go against the Foundation, he thought that the proposed addition would not harm the historic district, seemed to be an improvement, and

would barely be visible. He said it was a simple design question, and the failures of the District government or other instrumentalities could not be used to affect the Commission's action.

Mr. Hartman said he agreed fully with the Chairman, especially with his concern that the entire easement program might be put in jeopardy. He noted the high maintenance required over the long term on old houses, the importance of getting people with adequate funds and knowledge to give easements, and of convincing this kind of person not to shy away from buying a house with an easement already on it, for fear of getting into the kind of technical situation exhibited by the Sagalyn case.

Vice-Chairman Porterfield said his personal view was that the applicant was correcting a previous error of design, no more than that, and the square footage added to the footprint was so insignificant as to be barely discernible. He said the real harm to the structure had been done when the triangular piece of building had been added, and this was a desirable correction.

Mrs. Boyd said the record should show, as the letter from the National Trust said, that this was a matter of national significance, that such legal agreements as the Sagalyns' easement were the keystones for the preservation movement in this country. She said people gave easements with the expectation that they would be enforced.

The Chairman said he thought it was time for the matter to be brought to a vote. He said he had been a trustee of the National Trust longer, probably, than anyone else, and it was out of his tremendous concern for historic preservation that he would vote for this motion, although he usually did not vote if there was a consensus. The motion was carried unanimously, with Ms. Chatfield-Taylor asking if, at a later date, there could be a real investigation into the question of easements. She thought they were very important, the wave of the future in historic preservation, and should be protected and enforced, but she did not think this case was the one to base the battle on.

Mr. Langhorne asked that the action be delayed until an opinion was received from the Justice Department. The Chairman said the vote had already been taken, but he would ask the staff to pursue with the Justice Department the question of the commission's responsibility toward easement enforcement with respect to the federal tax deduction and the public interest in protecting the integrity of the Treasury. He then repeated his plea to the Foundation and the owners to enter into a dialogue that involved more reasonableness and less confrontation.

c. O.G. 90-117, 3333 Dent Place, N.W. One-story rear addition and fence. Concept design - appeal. The Assistant Secretary said the Georgetown Board had recommended against this submission, the adjacent neighbors were against it, and at the last moment, the applicant had decided to withdraw the appeal. The Board's disapproval was thus allowed to stand. Exhibit I

d. Appendix II. The appendix was approved without objection.

Before adjournment, the Secretary asked to bring up a small matter not on the agenda, one which he said he would like the Commission to see before the applicant went through the motions of filing for a permit. He said it was a request to place banners on the Warner Theatre at 13th and Pennsylvania Avenue, N.W. He observed that the area was becoming a special theatre district, and said the city wanted to give it some kind of special identity to attract attention. He introduced Byrne Murphy from the Kaempfer Company to discuss his proposal.

Mr. Murphy said the banners would be temporary and would be announcing the new mixed-use complex and the theatre; there would be telephone numbers for theatre tickets. The members did not equate these banners with those announcing special, festive occasions--they saw them as advertising for the new complex. Mr. Murphy was not encouraged to file for a permit application.

The meeting was adjourned at 1:25 p.m.

THE COMMISSION OF FINE ARTS

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EXHIBIT A

6 July 1990

Dear Senators Hatfield and Inouye:

I am happy to report officially that following Senator Hatfield's appearance at the Commission's meeting on 21 June, the revised designs for the FDR Memorial were reviewed and approved.

The major changes to the plans include the retention of part of the existing road system on the west end of the memorial, the elimination of the long entrance walkway from Ohio Drive, and a substantial reduction in the amount of paving throughout the memorial. Combined with the omission of the entrance walk, the total reduction in paving comes close to 50% of the original 1979 design. The retention of the roadway greatly enhances the accessibility and circulation to the memorial and retains a most important feature of the park, notably access to the area of cherry blossoms around the Tidal Basin, something that in the previous design would have been lost to the motoring public.

In voting approval of the design, it is the Commission's continuing hope that the architect provide additional planting to help soften the hard edges of the formal design. There was also some discussion without resolution of the possibility of adding another opportunity or two of viewing the Potomac River from within the memorial. Also, the suggestion was made of reducing the size of the loop road on the south-east end of the site near the Inlet Bridge. This latter feature seems too large and needlessly cuts up the site.

As is generally the rule, the Commission expects the detailed working drawings to be submitted for review prior to commencing the bidding process for obtaining a construction contract. Also we look forward to reviewing the specific models for all of the sculptural elements.

As a final note, the Commission would like to ensure that adequate funding is provided to the National Park Service for the maintenance of the landscaping and the operation of the fountains and cascades. The success of the memorial depends to a large extent on all of these design elements being maintained at their highest standards throughout the year, and not just for the peak summer months of visitation.

On behalf of the Commission, let me thank Senator Hatfield for taking the time to attend our meeting in support of this most important memorial. It is our hope that it will make a significant and lasting contribution to this city in its role as the national capital.

Sincerely,

J. Carter Brown
Chairman

The Honorable Mark O. Hatfield, Co-Chairman
The Honorable Daniel K. Inouye, Co-Chairman
FDR Memorial Commission
H2-347 House Annex 2
Washington, D.C. 20515

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EXHIBIT B

5 July 1990

Dear Mr. Sherman:

During its meeting 21 June 1990, the Commission of Fine Arts confirmed their approval of the proposed installation of the cooling towers for the Pavilion at the Old Post Office Phase II in the attic of the Internal Revenue Service building on Pennsylvania Avenue and 11th Street, N.W.

Due to lack of quorum during the review of the project on the 17 May 1990 Commission meeting no action could be taken and it was postponed till the June meeting. At the May meeting, however, Mr. Rex Anderson of your office and Ms. Ann Marie Sweet-Abshire of Peck Peck Associates, Inc. received a positive response from the members present. The modest increase of height of the roof of the IRS wing was considered to be complementary to the future completion of the facade on 11th Street facing the Old Post Office.

The Commission looks forward to the development of the design and to the submission of contract drawings for final review prior to the invitation for bids.

Sincerely,

J. Carter Brown
Chairman

Mr. Thomas M. Sherman
Assistant Regional Administrator
Public Buildings Service
General Services Administration
National Capital Region
7th and D Streets, S.W.
Washington, D.C. 20407

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EXHIBIT C

13 June 1990

Dear Mr. Chairman:

The 18 June hearing on a proposed zoning overlay for the Massachusetts Avenue Heights district has just come to our attention. We have not yet had a chance to study the details of the proposal but for the purposes of this hearing, I would like to put the Commission on record as strongly supporting the adoption of special restrictive zoning along the borders of Rock Creek Park.

As you probably know, the Congress as long as sixty years ago enacted special legislation that was meant to protect the character of the park by requiring all private construction in abutting areas to be approved by the Commission of Fine Arts. This has been mostly successful, but due to sharply escalating land values, there is an increasing threat from over-development that design review alone may not be able to contain. During this past year there have been serious threats to the park, most notably a project between Normanstone, Woodland and Rock Creek Drives, one of the developments, in fact, that has led the Massachusetts Avenue Heights community to seek the zoning overlay that will be the subject of the hearings.

Permits were issued for this project without Commission review, and by the time people were aware of what was going on, an entire hillside facing Rock Creek Park had been removed and the natural landscape devastated beyond repair.

While the enormously damaging impact in this instance could have been prevented by the Commission had the normal review requirements been followed, the fact is that there is still far greater continuing potential for this sort of devastation because much of the land that forms part of the special visual frame of the park is not under the Commission's jurisdiction but lies just a few feet outside it.

We therefore believe it is imperative that some special measures be adopted to provide more adequate protection for these unique and valuable areas of the city.

There is at this time a number of similarly ill-conceived development proposals known to the Commission staff that are waiting in the wings, as it were, simply looking for the right moment to proceed. I am sure there are probably more that are

unknown to us, especially those which may be just outside the boundaries of the Commission's authority.

We therefore urge the Zoning Commission to take positive steps at the earliest possible time to adopt appropriate measures, whether they be in the exact form of the current proposal, or in some modified version and to make them apply to all areas closely affecting the park. Additional protective zoning is desperately needed now if destruction of the special character of the neighborhoods bordering the park is to be avoided. Without such measures, the public values of the national park itself may be irreparably impaired as well, and this, of course, is the greatest concern of the Commission.

Sincerely,

Neil Porterfield

Neil Porterfield
Vice Chairman

Tersh Boasberg
Chairman, D.C. Zoning Commission
Boasberg & Norton
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036

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EXHIBIT D

6 July 1990

Dear Mr. Sherman:

During its meeting on 21 June 1990, The Commission of Fine Arts met with Ms. Diane Stolz of the Capital Improvement Division to review the latest proposal to install cooling towers on the roof of the U.S. Tax Court on 3rd Street, N.W..

The Commission considers this location to be by far the best site for the cooling towers as compared to those previously proposed. There was far less objection to the design and location of the equipment and its screen owing to the limited visibility from the street. However, placing the equipment farther back from the facade of the structure would aid in decreasing even more any visible disruption of the existing building lines.

Also, the recommendation is made to extend the screen around the equipment by a couple of bays on each end so as to enhance the proportions of the new element. In this way, it would more closely approximate the existing proportions found on the overall design of the building.

We would like to express our appreciation of your efforts in pursuing a more favorable solution to the site selection and design of the cooling towers.

Sincerely,

J. Carter Brown
Chairman

Mr. Thomas M. Sherman
Assistant Regional Administrator
Public Buildings Service
General Services Administration
National Capital Region
7th and D Streets, S.W.
Washington, D.C. 20407

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EXHIBIT E

6 July 1990

Dear Mr. Boskin:

I am happy to report that the Commission of Fine Arts reviewed and approved the design of your agency seal at its meeting on 21 June 1990.

As a part of the Executive Office of the President it is most appropriate that the Presidential seal is the main element of the design, a feature that is consistently used to identify agencies such as the Council of Economic Advisors.

Sincerely,

J. Carter Brown
Chairman

Mr. Michael J. Boskin, Chairman
Council of Economic Advisors
Old Executive Office Building, Room 314
Washington, D.C. 20500

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EXHIBIT F

6 July 1990

Dear Mr. Johnson:

During its meeting of 21 June 1990, the Commission reviewed and approved a revised concept for the proposed Egyptian chancery building to be located on Lot 22 at the International Center. The approved design incorporates paired vertical window elements and a flared cornice which the members believe more aptly reflects the nature and the context of the client nation. The members look forward to review of the final working drawings when ready.

Sincerely,

J. Carter Brown
Chairman

Mr. Herbert Johnson
Project Manager
International Center Project
Department of State
Washington, D.C. 20520

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EXHIBIT G

5 July 1990

Dear Mr. Brodie:

During its meeting of 21 June 1990, the Commission was pleased to meet with you to discuss the proposed renovation of Sherman Park.

Generally, the design for the renovation of the grounds surrounding the monument appears to be appropriate. The members have no objection to proposed additional elements, including the new exposed aggregate walks, the Washington globe lights, the plantings or the additional benches. However, the proposed cheek walls backing the benches could be refined. The members have in mind the profile of the existing retaining wall which separates the 15th Street sidewalk from the lawn leading up to the Sherman monument.

The other part of the proposal has fared less well. Replacing the existing sidewalk along 15th Street with a new sidewalk duplicating the detail and material flanking the west and north faces of Treasury is not considered appropriate. The Commission has had time to reflect on this matter and the members have concluded that the design approved for Treasury and the Pennsylvania Avenue side of the White House would best be terminated with the south terrace of Treasury where the urban character of the White House precinct ends. Beyond this point, the southern reaches of the precinct are increasingly park-like and natural. As such, the sidewalks on 15th Street should match those proposed on the other three sides of the park.

The staff is available should questions arise.

Sincerely,

SIGNED

J. Carter Brown
Chairman

M.J. Brodie, Executive Director
Pennsylvania Avenue Development Corporation
Suite 1220 North
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-9091

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EXHIBIT H

6 July 1990

Dear Mr. Kennon:

The Commission met with Mr. Win Battle on 21 June 1990 to discuss the proposed plans for the Magnetic Resonance Imaging Facility at Walter Reed Medical Center. Our concern about how this facility relates to the Master Plan has convinced us of the need for a site visit in conjunction with our next meeting 26 July.

We expect to arrive at the post by van at about 9:00 AM and would be happy to meet there with project representatives. Our staff will be happy to coordinate with you.

Sincerely,

J. Carter Brown
Chairman

Mr. Herbert H. Kennon
Chief, Engineering Division
Directorate of Military Programs
Dept. of the Army
U.S. Corps of Engineers
Washington, D.C. 20314-1000

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001

202-504-2200
202-504-2195 FAX

AGENDA ITEM EXHIBIT
21 June 1990

EXHIBIT I

NO.	ADDRESS AND OWNER	PROJECT
O.G. 90-117 HPA. 90-407	3333 Dent Place, N.W. Suzanne Kuser Residence	One story rear addition and fence - conceptual

ACTION: Recommend against issuance of permit for proposed one story addition, which would be located on the rear of the house facing the garden. The design and size of the addition is inappropriate, a problem that is compounded by the fact that the existing house is a duplex that is currently of identical design on both sides of the party wall and fence that defines the two separate properties.

O.G. 90-90 HPA. 90-432	1310 Wisconsin Avenue, N.W. 1310 Wisconsin Ave. Ltd. Part. The Georgetown Inn	Four story rear addition - conceptual

ACTION: No objection to concept of rear addition to Georgetown Inn provided the mansard roof is fully returned on all sides of the addition. Recommend further studies of the reducing of the effect of the present elevator tower as seen from N Street. Proposed trellis/fence on west, facing private gardens should be carefully designed to have a residential scale. Submit studies when ready.

O.G. 89-258 HPA. 89-1029	1248 30th Street, N.W. Mr. and Mrs. Arnold Sagalyn Residence	Addition of 1 story glass structure - permit

ACTION: No objection to issuance of permit. The proposed addition: (1) will have minimal effect on a recently constructed (1961) wing of an existing building; (2) is barely, if at all, visible from public space; (3) its design is appropriate to the existing building and will be an improvement over present conditions, and; (4) complies with the intent and specific requirements of Public Law 808, The Old Georgetown Act.

EXHIBIT I-1

REPORT TO THE COMMISSION OF FINE ARTS
FROM THE GEORGETOWN BOARD
21 June 1990

O.G. 89-258 HPA. 89-1029	1248 30th Street, N.W. Mr. and Mrs. Arnold Sagalyn Residence	Addition of one story glass structure - permit

RECOMMENDED ACTION: The design of a small addition to ca. 1960's wing of an existing residence is not objectionable, per se. The Board, however, was informed that an easement that precludes such additions has been donated by the previous owner to a private non-profit 501.C3 corporation, and that this corporation is opposed to the proposed addition. The Board also was informed that this easement has been made a matter of record in the deed on file with the District of Columbia government. The Board places considerable value in the use of easements as a means of preserving historic districts and recommends against any actions on the part of the property owners, the charitable organization holding the easement, or the District of Columbia government which maintains the public deed of record, that would diminish their value, or be inconsistent with the program as a whole. Therefore the Board recommends that the District Government examine the easement to determine the legality of such an addition.

Government of the District of Columbia
OFFICE OF THE CORPORATION COUNSEL
DISTRICT BUILDING
WASHINGTON, D. C. 20004

EXHIBIT I-2

IN REPLY REFER TO

June 18, 1990

The Honorable John Ray
Councilmember at-Large
Council of the District of Columbia
District Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Councilmember Ray,

This is in response to your request for an opinion from the office of Corporation Counsel concerning the enforcement of a conservation easement. You stated that D.C. Code Section 45-2601 of the "District of Columbia Uniform Conservation Easement Act of 1986, (the "Act") authorizes the District of Columbia (The "District") to enforce these easements in the public interest.

After careful review of the Act and its legislative history, I have concluded that the Act does not provide for enforcement by the District of conservation easements between private parties.

The Act specifies that an action to enforce a conservation easement may be brought by; 1) an owner of an interest in the property; 2) a holder of the easement; 3) a person having a third-party right of enforcement; or, 4) a person authorized by other law. Section 45-2603, D.C. Code (1989 Cum. Supp.). We have found no other District law that authorizes government enforcement of a conservation easement between private parties. Therefore, unless the District of Columbia is a holder of an easement or the easement grants a third-party right of enforcement to the District, and the District's acceptance of the right to enforcement has been recorded, it would have no authority to enforce such an easement.

RECEIVED
JUN 1 ' 1990
JOHN RAY
COUNCILMEMBER-AT-LARGE

If I can be of further assistance please contact my office.

Sincerely,

Herbert O. Reid, Sr.
Corporation Counsel

THE FOUNDATION FOR
THE PRESERVATION OF
HISTORIC GEORGETOWN

Box 3603 Georgetown Station, Washington, D.C. 20007

EXHIBIT I-3

June 21, 1990

Hon. J. Carter Brown
Chairman
The Commission of Fine Arts
The Pension Building
Suite 312
401 F Street, N.W.
Washington, D.C. 20001

Re: 1248 30th Street, N.W.
Recorded Deed of Scenic, Open Space and
Architectural Facade Conservation
Easement No. 42436

Dear Mr. Chairman and Members of the Commission:

It is necessary in the public interest to monitor and enforce Recorded Deeds of Scenic, Open Space and Architectural Facade Conservation Easement. Such gifts given in perpetuity are a keystone of the preservation of the Old Georgetown Historic District, which the Old Georgetown Act exists to protect and preserve.

The Commission of Fine Arts is legislatively empowered by the U.S. Congress to preserve and protect the Historic District of Old Georgetown. The Foundation respectfully requests that the Board act under Public Law 808-81st Congress-H.R. 7670, D.C. Code 5-801, 64 Stat. 903, which states: "The National Commission of Fine Arts shall report promptly to said Commissioners of the District of Columbia its recommendations including such changes, if any, as in the judgment of the Commission are necessary and desirable to preserve the historic value of said Georgetown district. The said Commissioners shall take such actions as in their judgment are right and proper in the circumstances.

Permit Application HPA No. 89-1029/G No. 89-258 is based upon a subdivision into Record Lot 52, such Subdivision is expressly prohibited by the Deed of Conservation Easement, and was obtained without the knowledge or consent of the Foundation

for the Preservation of Historic Georgetown. The Subdivision was obtained in order to file a permit application to build an extension of the building into presently open space. Such extension is expressly prohibited by the terms of the Recorded Deep of Conservation Easement and the applicants had been informed of the prohibition after discussions and an on-site inspection in their presence.

The Foundation respectfully requests that the Commission make the following recommendation:

"THE COMMISSION OF FINE ARTS RECOMMENDS AGAINST THIS APPLICATION FOR A ONE-STORY ADDITION BECAUSE IT IS INCOMPATIBLE WITH THE CHARACTER OF THE HISTORIC DISTRICT AND NOT IN THE PUBLIC INTEREST. (1) The design submitted is not historically or architecturally compatible with the present structure as the proposed addition does not respect the existing architectural fabric, and the established pattern of solids to voids is disregarded in the new design. A new design, which works within the present footprint of the existing structure, may be submitted. (2) The application violates a Recorded Deed of Scenic, Open Space and Architectural Facade Conservation Easement, given in the public interest in perpetuity to preserve and protect the Old Georgetown Historic District."

Sincerely,

Chiswell D. Langhorne, Jr.
President

EXHIBIT I-4

National Trust for Historic Preservation

June 15, 1990

The Hon. J. Carter Brown
Chairman
The Commission of Fine Arts
The Pension Building, Suite 312
401 F Street, N.W.
Washington, D.C. 20001

Re: **1248 30th Street, N.W.**
Recorded Deed of Scenic, Open Space and Architectural Facade Conservation Easement, Document No. 42436

Dear Mr. Chairman and Members of the Commission:

The National Trust for Historic Preservation in the United States, chartered by Congress to foster public participation in the preservation of sites, buildings and objects significant in American history and culture, hereby submits this statement for your consideration in connection with the captioned matter. Ordinarily, the National Trust does not become involved in purely local historic preservation matters. However, we are making these comments because we believe the matter now before the Commission raises a significant issue of national policy in the enforcement of historic preservation easements.

It is necessary in the public interest to monitor and enforce historic preservation easement agreements. Such agreements, customarily donated in the public interest as conservation and preservation easements to non-profit preservation organizations or government agencies, are a keystone of the preservation of countless historic buildings and historic districts, including the Old Georgetown Historic District. Further, because easement deeds are recorded documents, they are deemed public records. As such, public agencies and the public generally are charged with knowledge of those terms and restrictions that are included in recorded easement deeds, even if the easement agreement is with a private preservation organization. Public agencies, particularly those responsible for the preservation of our nation's historic resources, should therefore take into account these public easement restrictions and be guided by any express easement prohibitions in their deliberations, recommendations and findings.

1785 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 673-4000

Permit application HPA No. 89-1029/0G No. 89-258 is based upon a Subdivision into Record Lot 52. Such subdivision is expressly prohibited by the Deed of Conservation Easement cited above, and (we are advised) was obtained without the knowledge or consent of the Foundation for the Preservation of Historic Georgetown, the holder and grantee of the easement. The subdivision was obtained in order to file a permit application to build an extension of the existing building into presently open space. Such extension is similarly expressly prohibited by the terms of the recorded Deed of Conservation Easement. We therefore respectfully urge the Commission of Fine Arts to disapprove this application on the grounds that it is in violation of the Deed of Conservation Easement and, further, because it is incompatible with the character of the Georgetown Historic District and not necessary in the public interest, as required in D.C. Law 2-144.

We believe the intentions of the original donors of the recorded Deed of Conservation Easement should be upheld. The original donors, Mr. and Mrs. Randolph Burgess, were also donors of significant historic property to the National Trust. In donating the preservation easement, Mr. and Mrs. Burgess obviously relied on the express terms of the easement that their gift would be enforced in perpetuity. Other citizens undoubtedly rely on the belief that the open space which has been preserved in the public interest through the Conservation Easement will enjoy the protection not only of the easement holding organization but of federal and District public agencies as well.

The National Trust appreciates the opportunity to comment on this important matter.

Very truly yours,

Jack Walter

J. Jackson Walter
President

THE FOUNDATION FOR
THE PRESERVATION OF
HISTORIC GEORGETOWN

Box 3603 Georgetown Station, Washington, D.C. 20007

RECEIVED
COMMISSION OF FINE ARTS
MAY 3 1990
COPY
OG 89-258

May 3, 1990

EXHIBIT I-5

Hon. J. Carter Brown
Chairman
The Commission of Fine Arts
The Pension Building, Suite 312
401 F Street, N.W.
Washington, D.C. 20001

Dear Mr. Chairman:

The Foundation for the Preservation of Historic Georgetown, with reference to our previous letter to Mr. Charles B. Atherton, dated March 28, 1990, copy attached, respectfully requests that you, as Chairman, or the Secretary, request in writing an opinion from the Department of Justice, Office of the Attorney General, Attention: Mr. Robin Ross, as to (1) the rights and responsibilities of the Commission of Fine Arts in upholding Recorded Deeds of Conservation Easements given in the public interest in perpetuity to the Foundation and (2) the propriety of members of the Commission and members of the Old Georgetown Board acting as advocates for clients' projects before these bodies on which they sit and make recommendations.

The Foundation requests that copies of your written request and all written replies and any other correspondence concerning the matter be made part of the public record.

Until such time as a written opinion from the Department of Justice is made available to the Foundation, no further processing of the above referenced application, which expressly violated the terms of the Recorded Deed of Conservation Easement Instrument No. 42436, should occur. In the public interest, the Foundation requests that the Secretary inform District officials that the Commission will hold the application until the written

opinion is made available. In the meantime, the Commission should recommend against the application in order to stop further processing.

Under Public Law 808, the Commissioners "shall take such actions as in their judgment are right and proper in the circumstances."

The Foundation appreciates your cooperation in the public interest.

Very truly yours,

Chiswell D. Langhorne, Jr.

THE FOUNDATION FOR
THE PRESERVATION OF
HISTORIC GEORGETOWN

Box 3603 Georgetown Station, Washington, D.C. 20007

March 28, 1990

Mr. Charles B. Atherton
Secretary
The Commission of Fine Arts
The Pension Building
Suite 312
401 F Street, N.W.
Washington, D.C. 20001

Re: 1248 30th Street, N.W.

Dear Charlie:

The Foundation for the Preservation of Historic Georgetown objects to the Commission's considering any proposal for enlargement of 1248 - 30th Street, N.W. An increase in footprint is contrary to the express terms of the Deed of Scenic, Open Space and Architectural Facade Conservation Easement, Recorder of Deeds Instrument No. 42436.

The present possessory owners of the subject property purchased this property from the Estate of Mrs. W. Hamilton Burgess. Mrs. Burgess had donated the Conservation Easement to the Foundation. That Easement was recorded in the D.C. public records and the terms thereof were fully known to the present possessory owners prior to and at the time of their purchase. The Conservation Easement flatly precludes any addition to the pre-existing structures. The application forwarded to the Commission would authorize a precluded addition and is based on a subdivision also prohibited by the recorded Deed of Easement. The subdivision into Record Lot 52 was obtained without the knowledge of the Foundation and in direct violation of the terms of the Deed of Easement.

These Conservation Easements are public covenants, authorized and adopted in the public interest, and are not private agreements. The strong interests of both the Federal and D.C. governments in furthering preservation are reflected in many

national statutory policies, in active participation of the U.S. Park Service in creating these Conservation Easements, in specific D.C. legislation assuring the validity and continuity of these Conservation Easements, and in the investment of substantial U.S. and D.C. tax money in creating these Conservation Easements. [A more detailed analysis is attached.] The Commission of Fine Arts shares the duty to carry out these policies and to enforce these laws. It might even be a violation of the Commissioners' respective oaths of office to fail to enforce these laws.

Accordingly, the Commission is urged to decline to consider proposals relating to properties subject to a Conservation Easement unless the holder of the easement -- i.e. the governmental body or the public charitable organization grantee of the easement -- concurs in the proposal. Only that position would be in accord with the laws and policies of the United States and the District of Columbia.

Very truly yours,

President

U.S. Department of Justice

Office of Legal Counsel

EXHIBIT I-6

RECEIVED
COMMISSION OF FINE ARTS
OCT 3 1990

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

October 2, 1990

Mr. Charles H. Atherton, Secretary
The Commission of Fine Arts
Pension Building
401 F Street, N.W., Suite 312
Washington, DC 20001

Dear Mr. Atherton:

You have asked for our views on the question to what extent the Commission of Fine Arts should consider the terms of a scenic easement in reviewing an application for an alteration or addition to a structure under the Old Georgetown Act, D.C. Code Ann. §§ 5-1101 to -1105 (1981) (originally enacted as Pub. L. No. 81-808, 64 Stat. 903 (1950)). See Memorandum to John O. McGinnis, Deputy Assistant Attorney General, from Charles H. Atherton, Secretary, Commission of Fine Arts (July 6, 1990). We understand that this issue arose recently when a private foundation requested that the Commission reject an application for an addition that would allegedly have violated the terms of a scenic easement it held in a Georgetown property.

We do not believe that the Commission has the authority to enforce outstanding easements through its review of an application under the Old Georgetown Act. The Act provides that, "before issuing any permit for the construction, alteration, reconstruction, or razing of any building within" Old Georgetown, the Mayor of the District must "refer the plans to the [Commission] for a report as to the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway." D.C. Code Ann. § 5-1102 (emphasis added). The Act provides further that the Commission "shall report promptly to said Mayor . . . its recommendations, including such changes, if any, as in the judgment of the Commission are necessary and desirable to preserve the historic value of" Old Georgetown. Id.[1] The Georgetown Board of Architectural Consultants, a

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[1] The Commission's regulations describe its responsibilities as follows:

> The Commission reviews and reports . . . on proposed exterior architectural features, height,

(continued...)

committee of three architects appointed by the Commission, advises it in these matters. See id. at § 5-1103; 45 C.F.R. § 2101.12.

The Act thus authorizes the Commission to evaluate applications only in terms of their aesthetic merit and their potential effect on historic preservation. Cf. Memorandum for Charles H. Atherton, Secretary, Commission of Fine Arts, from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, at 2 (June 7, 1984) (Commission's "expertise and advice relate[] solely to the appearance and propriety of . . . external design"). It does not authorize the Commission to decide questions concerning the effect or validity of outstanding easements. Those are matters for the courts. Accordingly, we advise you that the Commission should approve or disapprove a proposed alteration without regard to whether it violates the terms of an existing easement. Of course, the Commission may consider in its evaluation the aesthetic and historic values which may be protected by an easement, as long as it exercises its independent judgment about those values and does not purport to enforce the easement itself through its statutory authority.

Please let us know if we may be of further assistance in this matter.

John O. McGinnis
Deputy Assistant Attorney General
Office of Legal Counsel

---

[1](...continued)
appearance, color, and texture of exterior materials as would be seen from public space; and the Commission makes recommendations . . . as to the effect of the plans on the preservation and protection of places and areas that have historic interest or that manifest exemplary features and types of architecture, including recommendations for any changes in plans necessary in the judgment of the Commission to preserve the historic value of Old Georgetown, and takes any such actions as in the judgment of the Commission are right or proper in the circumstances.

45 C.F.R. § 2101.1(c) (1989).

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

PENSION BUILDING
401 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001

202-504-2200
202-504-2195 FAX

EXHIBIT J

6 July 1990

Dear Mr. Johnson:

The Commission was unable to review designs for the proposed Administration Building guard house at the International Center this month owing to the lack of appropriate visual material. With your concurrence, the project will be rescheduled for the 26 July meeting. Meanwhile, the staff is available should questions arise concerning the appropriate nature of submission documents.

Sincerely,

J. Carter Brown
Chairman

Mr. Herbert Johnson
Project Manager
International Center Project
Department of State
Washington, D.C. 20520